

LISA M. GRIFFITH
LITTLER MENDELSON
A Professional Corporation
Attorneys for Defendants
SES Operating Corp, Inc., et al.
532 Broadhollow Road
Suite 142
Melville, NY 11747
631.293.4525

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Lydia Velez,

Index No. 07-CV-10946 (GEL)

Plaintiff,

AFFIRMATION OF LISA M.
GRIFFITH

-against-

SES Operating Corp, Inc., et al.,

Defendants.

LISA M. GRIFFITH, an attorney duly licensed to practice law before the Courts of the State of New York, hereby affirms the following to be true under penalties of perjury:

1. I am an attorney with the law firm of Littler Mendelson, P.C., attorneys for the Defendants in this matter. I submit this affirmation in reply to Plaintiff's Affirmation/Memorandum of Law in Opposition and in further support of Defendants' Motion to Amend the Answer and for Partial Judgment on the Pleadings.

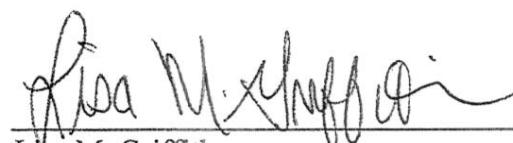
2. Plaintiff's counsel claims in paragraph "4" of his affirmation that "initial disclosures were made by both parties and depositions awaiting to proceed." In paragraph "8" plaintiff states "there is an indication in the subject Motion that plaintiff was not served Initial Disclosures." Although convoluted, it appears that Plaintiff is arguing that he served Defendants with Plaintiff's Initial Disclosures and that Defendants received such Initial Disclosures prior to serving and filing the instant Motion. However, annexed hereto as Exhibit "1," is a copy of

Plaintiff's Initial Disclosures and the envelope in which they were mailed. The postmark on the envelope is May 16, 2008, two days *after* Defendants served and filed their initial motion papers. Furthermore, as confirmed by the date stamp from Defendants' law office, Defendants did not receive Plaintiff's Initial Disclosures until May 20, 2008, six days after serving and filing the instant Motion.

3. Plaintiff's attorney claims in paragraph 14 of his affirmation that "a request by the undersigned for a one-week adjournment to submit further opposition to the Motion, 6 business days after receiving same, was refused." Plaintiff's attorney misstates the facts. Rather, on June 2, 2008, I sent an e-mail to Plaintiff's attorney, which was confirmed in a letter sent to Plaintiff's counsel and the Court, consenting to Plaintiff's request for a one-week extension of time to submit opposition to Defendants' motion. A copy of the correspondence is collectively annexed hereto as Exhibit "2."

4. For these reasons, and those set forth in Defendants' Motion to Amend the Answer and for Partial Judgment on the Pleadings, and all papers submitted in support thereof, Defendants respectfully request that the Court grant Defendants' Motion to Amend the Answer and for Partial Judgment on the Pleadings.

Date: June 19, 2008
Melville, New York



Lisa M. Griffith
LITTLER MENDELSON
A Professional Corporation
532 Broadhollow Road
Suite 142
Melville, NY 11747
631.293.4525

Attorneys for Defendants
SES Operating Corp, Inc., et al.

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

X

LYDIA VELEZ,

Plaintiff,

*Civil Action No.
#07-CV-10946 (GEL)*

- *against -*

**SES OPERATING CORP., HARLEM EAST LIFE PLAN,
and HARLEM EAST LIFE PLAN-SES CORP.,**

**PLAINTIFF'S
RESPONSE TO
REQUEST FOR
INTERROGATORIES**

Defendants.

X

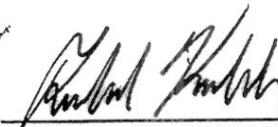
Plaintiff, LYDIA VELEZ, by her attorney, provides as follows:

1. Plaintiff objects to said Demand as overbroad, vague and improper.
Without waiving objection, plaintiff, LYDIA VELEZ, defendants, SHERYL HUNT, MARJORIE THADAL and other employees of the defendants have knowledge of the claims of plaintiff asserted herein.
2. None.
3. None.
4. The Concourse Medical Center, 880 Morris Avenue, Bronx, New York 10451, counselor.
5. Plaintiff objects to same as overbroad, vague and improper.
Without waiving objection, none beyond that referenced above.
6. Plaintiff objects to said demand as improper, overbroad and vague.
Without waiving objection, based upon the claims alleged in plaintiff's Complaint, she is entitled to the amounts detailed therein.

7. Without waiving attorney-client privilege, plaintiff's action is currently being handled on a contingency basis, although a computation regarding hours worked and fees for same is being maintained as an alternative method of payment.
8. None.
9. Plaintiff objects to said demand as improper, overbroad and vague. Without waiving objection, no investigator has been hired in the matter.
10. Plaintiff objects to said demand as overbroad, improper and vague.
11. All documentation relative to plaintiff previously disclosed by the defendants.
12. Not applicable.
13. Sheryl Hunt and Marjorie Thadal, from the date of her employment through her May 25, 2006 termination, as well as subsequent thereto, including upon August 7, 2006.
14. As referenced in "13" above, as well as her co-workers, the identities of which shall be provided.
15. The dates referenced above.
16. See "15" above.
17. See "14" above.
18. See "14" above.
19. See "14" above.

The plaintiff reserves the right to supplement and/or amend this response
up to and through the time of trial.

Dated: New York, New York
May 14, 2008

BY: 
RICHARD KUBICK
ATTORNEY FOR PLAINTIFF
7 E. 14TH ST.
NY, NY 10003
212.684.7541

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LYDIA VELEZ,

**Civil Action No.
#07-CV-10946 (GEL)**

Plaintiff,

- against -

***SES OPERATING CORP., HARLEM EAST LIFE PLAN,
and HARLEM EAST LIFE PLAN-SES CORP.,***

**PLAINTIFF'S
RESPONSE TO
REQUEST FOR
PRODUCTION OF
DOCUMENTS**

Defendants.

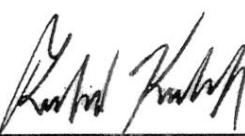
Plaintiff, LYDIA VELEZ, by her attorney, provides as follows:

1. Plaintiff is not in possession of any of the documentation demanded therein beyond that previously disclosed by defendants.

Plaintiff reserves the right to supplement and/or amend this response up to and through the time of trial.

Dated: New York, New York
May 14, 2008

BY:


RICHARD KUBICK
ATTORNEY FOR PLAINTIFF
7 E. 14TH ST.
NY, NY 10003
212.684.7541

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

LYDIA VELEZ,

Plaintiff,

*Civil Action No.
#07-CV-10946 (GEL)*

- against -

**SES OPERATING CORP., HARLEM EAST LIFE PLAN,
and HARLEM EAST LIFE PLAN-SES CORP.,**

**PLAINTIFF'S
INITIAL DISCLOSURE**

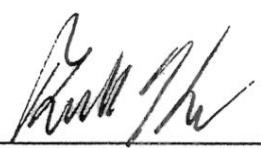
Defendants.

Plaintiff, LYDIA VELEZ, by her attorney, provides as follows:

1. Sheryl Hunt and Marjorie Thadal, employees of defendant.
2. Plaintiff does not currently anticipate any witnesses whose testimony is expected to be presented by means of a deposition and, if not stenographically, a transcript of the pertinent portions of the deposition testimony.
3. No documentation beyond that previously disclosed by defendant.
4. Any insurance coverage of plaintiff inapplicable.

Plaintiff reserves the right to supplement and/or amend this response up to and through the time of trial.

Dated: New York, New York
May 14, 2008

BY: 
RICHARD KUBICK
ATTORNEY FOR PLAINTIFF
7 E. 14TH ST.
NY, NY 10003
212.684.7541

RICHARD KUBICK
ATTORNEY AT LAW
7 E. 14TH ST.
NY NY 10003

1:07-cv-16
RECEIVED
U.S. DISTRICT COURT
CLERK'S OFFICE
MAY 22, 2018
THOMAS J. PEARCE, JR.
CLERK OF COURT

Littler Mendelson, P.C.
523 Broadhollow Rd.
Melville, NY 11747

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四庫全書

RECEIVED
MAY 20 2008

EXHIBIT 2

Griffith, Lisa M.

From: Griffith, Lisa M.
Sent: Monday, June 02, 2008 6:18 PM
To: 'kubicklaw@aol.com'
Cc: Bauer, John T.
Subject: Lydia Velez v. SES Operating Corp.

Judge Lynch's clerk, Tom Lue, called today. He stated that he also reached out to you.

Mr. Lue stated that the Judge would like Plaintiff's opposition to our Rule 37 (discovery) motion and Defendants' reply to Plaintiff's opposition submitted as one joint letter to the Court. To that end, we request that you to send me Plaintiff's opposition by email in Word format one week from today, on June 9th, so we can add Defendants' reply to that document and send it to the Judge as a joint letter by June 16, 2008.

Mr. Lue also advised me that your contacted the Court this past Friday to ask for an extension of time to serve Plaintiff's opposition to our Motion to Amend and for Judgment on the Pleadings. Mr. Lue asked that we reconsider whether to consent to your request for an extension. We have reconsidered and we consent to your request for a one- week extension of time to serve Plaintiff's opposition to our Motion to Amend and for Judgment on the Pleadings, until June 9, 2008.

Lisa M. Griffith
Littler Mendelson, P.C.
532 Broadhollow Road
Suite 142
Melville, New York 11747
Direct Dial: 631.247.4709
Fax: 631.293.4526
email: lgriffith@littler.com



FACSIMILE COVER SHEET

June 3, 2008

To: Richard Kubick, Esq. Fax: 212.243.2926
The Honorable Gerard E. Lynch 212.805.0436

Fax #(s) verified before sending (initial):

From: Lisa M. Griffith Fax: 631.293.4526 Phone: 631.247.4709

Length, including this cover letter: 3 Pages

If you do not receive all pages, please call Sender's Phone Number.

Message:

CONFIDENTIALITY – The information contained in this fax message is intended only for the personal and confidential use of the designated recipient(s) named above. This message is a communication from attorneys or their agents relating to pending legal matters and, as such, is intended to be privileged and/or confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message to us by mail. Thank you.

Transmittal Completed: 6:09 am pm Client Code: 051929.1004 User Number: 2479

Jun 03 2008 6:14PM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Jun 3	6:13PM	Fax Sent	12122432926	1:13	3	OK

HP Officejet 6310xi

Personal Printer/Fax/Copier/Scanner

Jun 03 2008 6:17PM

Last Transaction

Date	Time	Type	Station ID	Duration	Pages	Result
Jun 3	6:15PM	Fax Sent	12128050436	1:22	3	OK

ALABAMA



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CALIFORNIA

COLORADO

CONNECTICUT

DISTRICT OF COLUMBIA

FLORIDA

GEORGIA

ILLINOIS

INDIANA

MASSACHUSETTS

MINNESOTA

MISSOURI

NEVADA

NEW JERSEY

NEW YORK

NORTH CAROLINA

OHIO

OREGON

PENNSYLVANIA

RHODE ISLAND

SOUTH CAROLINA

TEXAS

VIRGINIA

WASHINGTON

June 3, 2008

Lisa M. Griffith
 Direct: 631.247.4709
 Direct Fax: 631.293.4526
 lgriffith@littler.com

VIA MAIL AND FACSIMILE 212.243.2926

Richard Kubick, Esq.
 7 E. 14th Street
 New York, New York 10003

Re: **Lydia Velez v. SES Operating Corp., et al.**
Civil Action No. 07-CV-10946 (GEL)

Dear Mr. Kubick:

We represent the Defendants in the above-referenced action. We write to confirm the schedules for Defendants' Motion to Amend the Answer and for Partial Judgment on the Pleadings and Defendants' motion pursuant to Federal Rule of Civil Procedure 37. We also write to advise you that Plaintiff's deposition cannot go forward on June 17, 2008, as noticed.

On May 14, 2008, we served by mail¹ Defendants' Motion to Amend the Answer and for Partial Judgment on the Pleadings. Based on Federal Rule of Civil Procedure 6(a) and (e) and Local Civil Rule 6.1(b), Plaintiff's opposition to that motion was supposed to be served on June 2, 2008. On May 27, 2008, you requested a one-week extension of time to serve Plaintiff's opposition papers. We denied your request because, among other reasons, we previously granted you several extensions concerning discovery deadlines with which you failed to comply. Sometime thereafter, you requested an extension from the Court. Mr. Tom Lue, U.S. District Court Judge Lynch's clerk, contacted me yesterday asking that we reconsider your request for an extension. As I advised you yesterday by e-mail, we consent to a one week extension of time, until June 9, 2008, for you to serve Plaintiff's opposition to Defendant's Motion to Amend the Answer and for Partial Judgment on the Pleadings.

On May 28, 2008, Defendants served you by mail with a motion pursuant to Federal Rule of Civil Procedure 37. Based on Federal Rule of Civil Procedure 6(a) and (e) and Local Civil Rule 6.1(a), Plaintiff's opposition to that motion must be served on June 6, 2008. Mr. Lue asked that we submit Plaintiff's opposition and Defendants' reply to the Rule 37 motion together in one joint letter to the Court. In my e-mail to you yesterday, we asked that you serve us with Plaintiff's opposition on or before June 9, 2008. You responded that you need more time to serve the opposition papers, until June 16, 2008. We consent to your request

¹ As we have advised you previously, your failure to sign-up with the ECF system for electronic filing, notice and service complicates the litigation of this case. This case was designated an ECF case on December 3, 2007. See Docket Sheet. Rule 2.1 of the SDNY Electronic Case Filing Rules and Instructions states that "attorneys who are not already Filing Users appearing in cases assigned to the ECF system *must* register as Filing Users *forthwith* upon the case being so designated." *Id.* (emphasis added).

Richard Kubick, Esq.
June 3, 2008
Page 2

and ask that you e-mail Plaintiff's opposition to me on or before June 16, 2008 as an attachment in a Word document. We will then add Defendants' reply to that letter and submit it to the Court no later than June 23, 2008.

Accordingly, the following are the new schedules for Defendants' motions:

Defendants' Motion to Amend the Answer and for Partial Judgment on the Pleadings:

Plaintiff's opposition to be served on or before June 9, 2008.

Defendants' reply to be served and all papers to be filed with the Court on June 19, 2008.

Defendants' Rule 37 Motion:

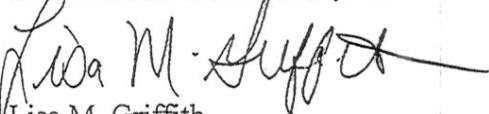
Plaintiff's opposition to be served on or before June 16, 2008.

Defendants will reply and file the joint-letter with the Court by June 23, 2008.

We noticed Plaintiff's deposition for June 17, 2008. However, your failure to provide Defendants with timely initial disclosures and responses to Defendants' First Set of Interrogatories and First Request for the Production of Documents, together with the pending motions, makes it apparent that the deposition cannot go forward on June 17th. We will contact you after the Court renders its decisions on Defendants' motions to reschedule Plaintiff's deposition.

Very truly yours,

LITTLER MENDELSON, P.C.


Lisa M. Griffith

cc: By Facsimile 212.805.0436
The Honorable Gerard E. Lynch
U.S. District Court Judge

AFFIDAVIT OF SERVICE
BY FAX AND CERTIFIED MAIL/RETURN RECEIPT REQUESTED

STATE OF NEW YORK)
) ss.:
COUNTY OF SUFFOLK)

Stefanie Attanasio, being duly sworn, deposes and says, that deponent is not a party to the action, is over 18 years of age and resides in Commack, New York. That on the 19th day of June, 2008, deponent served a copy of the within Affirmation of Lisa M. Griffith upon:

Richard Kubick, Esq.
7 East 14th Street
New York, New York 10003
facsimile 212.243.2926 and
Certified Mail, Return Receipt Requested

enclosed in a postpaid properly addressed wrapper, in an official depository under the exclusive care and custody of the United States Postal Service within New York State.

Stefanie Attanasio
Stefanie Attanasio

Sworn to before me this
19th day of June, 2008.

Maureen Willett

Notary Public

MAUREEN WILLETT
Notary Public, State of New York
No. 4874655
Qualified in Nassau County
Commission Expires October 27, 20 10

AFFIDAVIT OF SERVICE
BY FAX AND CERTIFIED MAIL/RETURN RECEIPT REQUESTED

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) ss.:
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Certified Mail, Return Receipt Requested

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Stefanie Attanasio
Stefanie Attanasio

Sworn to before me this
19th day of June, 2008.

Maureen Willett

Notary Public

MAUREEN WILLETT
Notary Public, State of New York
No. 4874655
Qualified in Nassau County
Commission Expires October 27, 20 10